

DEPARTMENT OF STATE REVENUE
LETTER OF FINDINGS NUMBER: 01-0193P
Use Tax
1998

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ISSUE(S)

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

II. **Tax Administration** – Interest

Authority: IC 6-8.1-10.2

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer, in a letter dated April 25, 2001, requested an abatement of the penalty and interest assessed on an aircraft.

Taxpayer is a resident of Indiana who purchased an aircraft from a manufacturer in southern Florida on June 5, 1998. The Compliance Division – Aeronautics issued its Proposed Assessment on April 5, 2001 for the use tax, excise tax, registration fee, penalties, and interest. The taxpayer paid the assessment sans penalty and interest.

I. **Tax Administration** – Penalty

DISCUSSION

Taxpayer asks that the Department waive the penalty because he did not purposely avoid his obligation to the state of Indiana. Taxpayer states he relied on the counsel of his CPA and the aircraft manufacturer to see that all fees and registrations were in place.

Taxpayer failed to register his aircraft with the State although he was a resident. Taxpayer should have made himself aware of State requirements to register his plane at the time of purchase.

Taxpayer has not provided reasonable cause to allow the Department to waive the penalty.

FINDING

Taxpayer's protest is denied.

II. **Tax Administration** – Interest

DISCUSSION

Taxpayer asked the Department to waive the interest because he relied on the counsel of his CPA.

The Department has no authority to waive interest.

FINDING

Taxpayer's protest is denied.